

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12898, of the James Place Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7205.32 to locate the required parking elsewhere than on the lot upon which the proposed garage/condominium apartment structures are to be located in a W-2 District at the premises 1049 30th Street, N. W., (Square 1192, Lot 85).

HEARING DATE: March 21, 1979

DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject property is located between 29th and 30th Street, N. W., south of the C & O Canal, and is known as 1049 30th Street, N. W. It is in a W-2 District.

2. The subject site is presently vacant. The applicant proposes to construct a garage/condominium apartment/hotel complex and a residence on the vacant site.

3. The proposed hotel, to be located on the 30th Street side of the property will constitute the first phase of construction. The hotel is required under the Zoning Regulations to provide eleven parking spaces. One additional parking space will be required for the residence.

4. The applicant proposes to provide all the permanent parking for the entire complex in the garage/condominium unit, which is located on the 29th Street side of the project,

5. Construction of the hotel and residence is expected to start in March of 1979. Construction of the garage/apartment unit is contemplated to start in early 1980 and will require approximately twelve months to complete.

6. The hotel will be without "on site" parking until the garage is complete. The zoning administrator cannot issue a Certificate of Occupancy for the hotel use until the parking requirements are met.

7. The applicant now seeks a special exception to locate the required parking elsewhere than on the lot upon which the complex is to be located.

8. The applicant proposes to temporarily locate the required parking in a commercial garage at 1055 Thomas Jefferson Street, N. W., between 29th and 30th Streets, known as the Foundry. The use of the spaces in the Foundry garage is proposed for a maximum period of one year.

9. The Foundry garage entrance is located on 30th Street, directly across the street from the site of the proposed hotel and townhouse.

10. Given the configuration of the site and the location of the proposed buildings on the site, it is not possible for the applicant to locate the required twelve parking spaces on the lot during the period of construction of the condominium/garage structure.

11. The application was opposed by individual residents and by the Citizens Association of Georgetown. The citizens objected on the grounds that parking is always a serious issue in Georgetown since existing parking is inadequate to meet the needs of the neighborhood and the subject use is just adding to this situation. The opposition also stated that the applicant should have some form of guaranteed parking and reserved spaces in the Foundry garage, rather than just a permit from the Foundry to park if parking is available. The Citizens Association of Georgetown objected on the general issue that the proposed hotel is a commercial use and should not be located in residential zones.

12. Advisory Neighborhood Commission 3-A objected to the application on the grounds that since parking is so inadequate in Georgetown, no special exception should be granted. The ANC stated that the Zoning Regulations on the required parking spaces are inadequate and need to be changed and that the applicant had planned badly in that he should have started his garage/condominium project first and thus would have had parking guaranteed on the site.

13. The Board is required by statute to give weight to the issues and concerns expressed by the ANC. In addressing these issues as well as those of the neighboring residents and the Citizens Association of Georgetown, the Board finds as follows:

- a. The Board is required to interpret and apply the Zoning Regulations in existence at the time the

application is decided. While the Board may listen to complaints that the Zoning Regulations are not realistic it is not the forum before which those issues should be brought. If the required parking spaces, in this application, are inadequate or whether hotels should be allowed in residential or waterfront zones are issues that should be addressed to the Zoning Commission. The Board notes however that this application deals only with the number of parking spaces required by the Zoning Regulations and that there will be more spaces provided in the total project than are required by the Regulations.

- b. The Board cannot dictate to the applicants at what stage construction should start, nor which portion of a project shall be commenced first.
- c. With the conditions, hereinafter listed, the Board will require guaranteed parking spaces from the applicant.

CONCLUSIONS OF LAW AND OPINION:

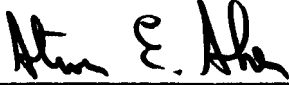
Based on the Findings of Fact, the Board concludes that it is not possible or practical to locate the required parking on site during the initial construction of the project. The Board also concludes that the application is in substantial compliance with the requirements of Sub-section 7205.31 in that the accessory parking spaces are to be located directly across the street from the proposed site, and will provide reasonable and convenient facilities for the occupants and guests of the hotel.

The Board also concludes that, as conditioned hereinafter, the relief sought is in harmony with the general purpose and intent of the Zoning Regulations and maps and it will not adversely affect the neighborhood.

The Board concludes that it has addressed the issues and concerns of the ANC in Finding-of-Fact number thirteen, and that it has thus accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT TO THE CONDITION THAT before building permits are issued, the applicant shall demonstrate to the Chief of the Zoning Regulations Division, DHCD that twelve parking spaces meeting the requirement of Section 7204 of the Zoning Regulations are provided in the garage at 1055 Thomas Jefferson Street, N. W., with such spaces reserved exclusively for hotel use at all times, clearly marked as such, and accessible for hotel use.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Charles
R. Norris, Chloethiel Woodard Smith and
Leonard L. McCants to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 JUN 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX
MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY
PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE
DATE OF THIS ORDER.